

ESTTA Tracking number: **ESTTA648222**Filing date: **01/05/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Ioniki Sfoliata Dough and Pastries Products S.A.		
Entity	Societate Anonime	Citizenship	Greece
Address	1St km Neochorouda # Oreokastro Thessaloniki, 54500 GREECE		

Attorney information	John A. Clifford Merchant & Gould P.C. PO Box 2910 Minneapolis, MN 55402-0910 UNITED STATES jclifford@merchantgould.com, aavery@merchantgould.com, dockm- pls@merchantgould.com Phone:612.336.4616
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Registration Subject to Cancellation

Registration No	4057963	Registration date	11/22/2011
Registrant	Agora Foods International, Inc. 6540 Crabtree Lane Brecksville, OH 44141 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2009/06/15 First Use In Commerce: 2009/06/15 All goods and services in the class are cancelled, namely: Filo dough

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	2015 01 05 Petition for Cancellation.PDF(147424 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John A. Clifford/
Name	John A. Clifford
Date	01/05/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Ioniki Sfoliata Dough and Pastries Products S.A.,)	
)	
Petitioner,)	Registration No. 4,057,963
)	
v.)	Cancellation No. _____
)	
Agora Foods International, Inc.,)	Mark: FILOSOPHY
)	
Respondent.)	Registered: November 22, 2011
)	

PETITION FOR CANCELLATION

Ioniki Sfoliata Dough and Pastries Products S.A., a Société Anonyme (S.A.) of Greece, whose offices are located at Municipality area of Kallithea, Prefecture of Thessaloniki; GR-545 00 1s t km of Neochorouda – Oraiokastros, Greece believes it is damaged by the registration of the mark shown in Registration No. 4,057,963, issued November 22, 2011 to Agora Foods International, Inc. whose last known address of record is 6540 Crabtree Lane, Brecksville, Ohio 44141, and hereby petitions for cancellation of the registration. The grounds for cancellation are as follows below:

1. Respondent has obtained under the provision of the Trademark Act of 1946 as amended, registration on the Principal Register of the trademark FILOSOPHY (in all lower case letters: “filosophy”) for filo dough in International Class 30.
2. Petitioner is the owner of U.S. trademark application number 79/125,691 filed on December 24, 2012 for the mark IONIKI FILOSOPHY & DESIGN for Charcuterie, butter, margarine, cheese products in the nature of feta cheese, soft cheese, cheese, meat, fish, poultry and game, meat extracts, preserved, dried and cooked nuts and vegetables,

jellies, jam, eggs, milk and milk products in the nature of beverages having a milk base and evaporated milk, edible oils and fats, preserves, salads except macaroni, rice, and pasta salad, pickles in International Class 29; and Dough, cake dough, cookie dough, frozen pastry sheets, dough flour, flour, sago, biscuits, croissants, thick breadsticks, pies, pies with cheese, with ham and cheese, with sausage, with spinach and cheese, with potato, with leek, with zucchini, with minced meat, puff pastry, puff pastry with cheese, with ham and cheese, with sausage, with spinach and cheese, with potato, with leek, with zucchini, with minced meat, danishes, bread, brioches, bagels, sesame bagels, bagels with cheese, with ham and cheese, pizza pies, uncooked pizzas, pizza bases, calzones, sandwiches, sandwiches with charcuterie and cheese, coffee, tea, cocoa, sugar, rice, tapioca, artificial coffee, edible ices, honey, treacle, salt, mustard, pepper, vinegar, sauces, condiments in the nature of mustard, ice in International Class 30, and is a party interested in adopting, registering and using the IONIKI FILOSOPHY & DESIGN mark for such goods and more broadly.

3. Registration No. 4,057,963 has been cited against Petitioner's Application Serial Number 79/125691 as a bar to registration.

4. On information and belief, use of the mark "filosophy" has been discontinued by Respondent with intent not to resume such use.

5. On information and belief, there has been no use of the mark "filosophy" by the Petitioner for three consecutive years.

6. As used herein, "use" of the mark means a bona fide use of the mark made in the ordinary course of trade, and not made merely to reserve a right in a mark.

7. On information and belief, the "filosophy" mark shown in Registration No.

4,057,963 has been abandoned.

8. Registration of the mark shown in Registration No. 4,057,963 results in damage to Petitioner as it stands as an inappropriate bar to Petitioner's ability to register and expand its IONIKI FILOSOPHY & DESIGN mark, and creates a cloud on Petitioner's title to its mark, pursuant to the allegations stated above.

WHEREFORE, Petitioner asks that its Petition for Cancellation be sustained and that Registration No. 4,057,963 for the term FILOSOPHY for the goods set fourth therein be cancelled.

Please direct all correspondence to the attention of:

John A. Clifford
Merchant & Gould P.C.
PO Box 2910
Minneapolis, MN 55402
612-336-4616

Petitioner hereby appoints: John A. Clifford; Danielle I. Mattessich; Heather Kliebenstein, Brian H. Batzli; Gregory C. Golla; Scott W. Johnston; Andrew S. Ehard; Christopher J. Schulte; and Brent Routman as its attorneys with the full power to represent the Petitioner in connection with this proceeding.

The required filing fee is submitted herewith. In the event the fee is either inadvertently omitted or otherwise insufficient, please charge the cost to Deposit Account No. 132725.

Respectfully submitted,

IONIKI SFOLIATA DOUGH AND;
PASTRIES PRODUCTS S.A.

By its attorneys,



Date: 01/05/2015


John A. Clifford
MERCHANT & GOULD P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910
Tel. 612.336.4616
Fax 612.332.9081

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PETITION FOR CANCELLATION was served upon Registrant by First Class Mail, postage pre-paid, this 5th day of January 2015 to the correspondent of record of U.S. Reg. No. 4,057,963:

Jeffrey S. Ellsworth
WEGMAN, HESSLER & VANDERBURG
6055 Rockside Woods Blvd, Ste 200
Cleveland, OH 44131

Agora Foods International, Inc.
6540 Crabtree Lane
Brecksville, OHIO 44141


Amanda Avery